

**TELECOPIER COVER SHEET***0480 D120  
X 12/02*  
**July 3, 2002**

<b>To:</b> Assistant Commissioner for Patents	<b>From:</b> Estella Pineiro Executive Patent Secretary 818/493-2251
<b>Attention:</b> [REDACTED] Office of Petitions	<b>ST. JUDE MEDICAL CRMD</b> 15900 Valley View Court Sylmar, California 91392-9221
<b>Telecopier:</b> 703/308-6916	<b>Telecopier:</b> 818/362-4795
<b>RE: PETITION TO COMMISSIONER TO ACCORD FILING DATE...</b> Applic. No. 10/092,695 Filed: 03/06/2002 Docket No. A02P1020US01	Number of pages being sent: <u>8</u> (including cover page)

PLEASE DELIVER TO NANCY JOHNSON AS SOON AS POSSIBLE.

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'JUL 03 2002

PETITIONS OFFICE

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THE INFORMATION CONTAINED IN THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND THOSE PROPERLY ENTITLED TO ACCESS TO THE INFORMATION AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS TRANSMISSION IS NOT THE INTENDED OR AN AUTHORIZED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY UNAUTHORIZED DISTRIBUTION, DISSEMINATION, OR DUPLICATION OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR FACSIMILE. THANK YOU.

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Joseph J. Florio et al.

Serial No.: 10/092,695

Art Unit: Not assigned.

Filed: 03/06/2002

Examiner: Not assigned.

For: METHOD AND APPARATUS FOR USING  
A REST MODE INDICATOR TO  
AUTOMATICALLY ADJUST CONTROL PARAMETERS  
OF AN IMPLANTABLE CARDIAC STIMULATION DEVICE

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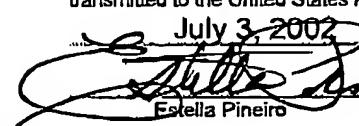
Docket No.: A02P1020US01

**PETITION TO COMMISSIONER TO ACCORD FILING DATE****UNDER 37 CFR 1.10**

BOX DAC  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231  
Sir:

I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark Office on:

July 3, 2002

  
Estella Pineiro

Date  
7/3/02

Applicants respectfully petition the Commissioner to accord the above-identified  
patent application the filing date of March 6, 2002 in light of the remarks below.

Please deduct any applicable fees from Deposit Account No. 16-0068.

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REMARKS

It is noted that the filing date of the application was inadvertently logged in by the PTO as 03/08/2002. Attached as evidence, is a copy of the Postal Tracking Service 'track and confirm' shipment history for Express Mail No. EL758671539US, showing that the package was en route on March 6, 2002 and therefore our "date-in" of our correspondence should be our filing date of March 6, 2002.

Also provided are copies of the Application Transmittal and the return postcard showing that Express Mail No. EL758671539US was placed on papers submitted with this application.

Respectfully submitted,

7/3/02

Date

Pacesetter, Inc.  
15900 Valley View Court  
Sylmar, CA 91392-9221  
818/493-2200  
818/362-4795 (fax)

*Derrick Reed*

Derrick Reed, Reg. No. 40,138  
Patent Attorney for Applicants

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PATENT

**Docket No.:** A02P1020US01 **EXPRESS MAIL NO. EL758671539US**  
**Inventor(s):** Joseph J. Florio; Gene A. Bornzin;  
Peter Boileau; Eric Falkenberg;  
and Janice Barstad

**Title: METHOD AND APPARATUS FOR USING A REST MODE INDICATOR TO AUTOMATICALLY ADJUST CONTROL PARAMETERS OF AN IMPLANTABLE CARDIAC STIMULATION DEVICE**

**BOX PATENT APPLICATION FEE  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231**

Dear Sir:

Submitted herewith for filing are the following documents:



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JUL 03 2002

**PETITIONS OFFICE**

**PETITIONS OFFICE**

## **CALCULATION OF FEES**

ITEM		NO. OF CLAIMS FILED	NO. OF ADDITIONAL CLAIMS FILED	LG ENTITY FEE	\$ AMOUNT	\$ FEE
A.	TOTAL CLAIMS FEE	16 - 20 =	0	X \$18	\$ 0	\$ 0
B	INDEPENDENT CLAIMS FEE**	3 -3 =	0	X 84	0	0
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (LINES A + B)					\$ 0
D	MULTIPLE-DEPENDENT CLAIMS FEE LARGE ENTITY FEE = \$270					
E	BASIC FILING FEE* LARGE ENTITY = \$740					740
F	TOTAL FILING FEE** (ADD TOTALS FOR LINES C, D, AND E)					\$ 740**

X

**Charge Deposit Account No. 16-0068**  
the amount of

**\$740**

**A copy of this letter is  
enclosed.**

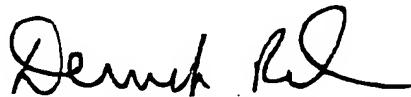
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0068
- Any additional filing fees required under 37 CFR 1.16.
- Any patent application processing fees under 37 CFR 1.17.
- The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0068
- Any patent application processing fees under 37 CFR 1.17.
- Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Date:

3/6/02Derrick Reed, Attorney for Applicants  
Reg. No. 40,138Correspondence Address:

PACESETTER, INC.  
15900 Valley View Court  
Sylmar, CA 91392-9221  
818/493-2200  
818/362-4795 (fax)

I hereby certify that this New Application is being deposited with the United States Postal Service as "Express Mail" mailing label number EL758671539US in an envelope as "Express Mail Post Office to Addressee" addressed to:  
**BOX PATENT APPLICATION FEE**  
Assistant Commissioner for Patents  
Washington, D.C. 20231, on:

March 6, 2002

  
Estella Pinero 3/6/02  
Estella Pinero Date

In re: Application of: Joseph I. Florio; Gene A. Bornzin; Peter Boileau; Eric Falkenberg;  
and Janice Barstad

Title: METHOD AND APPARATUS FOR USING A REST MODE INDICATOR TO AUTOMATICALLY  
ADJUST CONTROL PARAMETERS OF AN IMPLANTABLE CARDIAC STIMULATION DEVICE

Serial No.:

March 6, 2002

Date Filed:

E. Pineiro

Date Mailed:

Express Mail No.: EL758671539US

Mailed By:

Docket No.: A02P1020US01Attorney / Agent: D. Reed

Date / Notice of Allowance:

Batch No.:

The following has been received in the U.S. Patent Office on the date stamped hereon:

**PATENTS**

- Transmittal & cert. of mlg.  
 Utility / Prov / Design / PCT Pat. Appl. w/ 37 total pages  
 (includes 31 specs; 5 claims; 1 abstract)  
 Drawings with 6 Sheets  
 Formal       Informal  
 Oath / Declaration  
 Power of Attorney  
 Assignment  
 Recordation Form Cover Sheet  
 IDS       Supplemental IDS  
 PTO-1449 w/ references  
 Petition for Extension of Time  
 Amendment / Response  
 Preliminary       Supplemental  
 After Final       After Allowance

- Issue Fee Transmittal  
 Certificate of Correction  
 Applicant's Mistake       PTO's Mistake  
 Form PTO-1050  
 Response to Missing Parts  
 Other: Postcard

**TRADEMARKS**

- Transmittal Letter  
 ITU Application  
 TM/SM Application w/ specimens  
 Request for Extension of Time  
 Amendment / Response  
 Statement of Use with Specimens  
 Amendment to Allege Use  
 Declaration Under Sec. 8 & 15  
 Other: \_\_\_\_\_

In re: Application of: Joseph I. Florio; Gene A. Bornzin; Peter Boileau; Eric Falkenberg;  
and Janice Barstad

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March 6, 2002

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E. Pineiro

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Mailed By:

Docket No.: A02P1020US01Attorney / Agent: D. Reed

Date / Notice of Allowance: \_\_\_\_\_ Batch No.:

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 IDS       Supplemental IDS  
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 After Final       After Allowance

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 Certificate of Correction  
 Applicant's Mistake       PTO's Mistake  
 Form PTO-1050  
 Response to Missing Parts  
 Other: Postcard

**TRADEMARKS**

- Transmittal Letter  
 ITU Application  
 TM/SM Application w/ specimens  
 Request for Extension of Time  
 Amendment / Response  
 Statement of Use with Specimens  
 Amendment to Allege Use  
 Declaration Under Sec. 8 & 15  
 Other: \_\_\_\_\_

20/60/C0  
JC959  
10/092695 PRO